

STATE OF NEW YORK

4501--A

2023-2024 Regular Sessions

IN SENATE

February 9, 2023

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to the use of body imaging scanning equipment in local correctional facilities

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraphs (ii) and (iii) of paragraph (a) of subdivision
2 6 of section 3502 of the public health law, as amended by section 1
3 of part LL of chapter 56 of the laws of 2023, are amended to read as
4 follows:

5 (ii) Notwithstanding the provisions of this section or any other
6 provision of law, rule or regulation to the contrary, licensed practitioners,
7 persons licensed under this article and unlicensed personnel
8 employed at a state or local correctional facility may, in a manner
9 permitted by the regulations promulgated pursuant to this subdivision,
10 utilize body imaging scanning equipment that applies ionizing radiation
11 to humans for purposes of screening individuals detained in, committed
12 to, visiting, or employed in such facility, in connection with the
13 implementation of such facility's security program.

14 (iii) The utilization of such body imaging scanning equipment shall be
15 in accordance with regulations promulgated by the department, or for
16 local correctional facilities in cities having a population of two
17 million or more, such utilization shall be in accordance with regulations
18 promulgated by the New York city department of health and mental
19 hygiene. The state commission of correction, in consultation with the
20 department of corrections and community supervision, shall promulgate
21 regulations establishing when body imaging scanning equipment will be
22 used to screen visitors and incarcerated individuals in state or local
23 correctional facilities. Such regulations shall include provisions

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 establishing that alternative methods of screening may be used to accom-
2 modate individuals who decline or are unable to be screened by body
3 imaging scanning equipment for medical reasons and that alternative
4 methods of screening may be used to accommodate individuals who decline
5 to be screened for other reasons, unless security considerations warrant
6 otherwise. Such regulations shall also ensure that no person shall be
7 subjected to any form of harassment, intimidation, or disciplinary
8 action for choosing to be searched by an alternative method of screening
9 in lieu of body imaging scanning.

10 The department of corrections and community supervision shall promul-
11 gate regulations establishing when body imaging scanning equipment will
12 be used to screen employees of the department of corrections and commu-
13 nity supervision, provided, however that such regulations shall be
14 consistent with the policies and procedures of the department of
15 corrections and community supervision governing the search of employees.
16 Such regulations shall include provisions establishing that alternative
17 methods of screening may be used to accommodate individuals who decline
18 or are unable to be screened by body imaging scanning equipment for
19 medical or other reasons. Such regulations shall also ensure that no
20 person shall be subjected to any form of harassment, intimidation, or
21 disciplinary action for choosing to be searched by an alternative method
22 of screening in lieu of body imaging scanning. An employee's request to
23 be searched by an alternative method of screening in lieu of body imag-
24 ing scanning shall not, in itself, be grounds for disciplinary action
25 against such employee.

26 § 2. Subparagraph (i) of paragraph (f) of subdivision 6 of section
27 3502 of the public health law, as amended by section 1 of part LL of
28 chapter 56 of the laws of 2023, is amended to read as follows:

29 (i) For local correctional facilities, the number of times the equip-
30 ment was used on [~~incarcerated~~] individuals [~~upon intake, after visits,~~
31 detained in, committed to, working in, or visiting the facility upon
32 intake, before work shift, after work shift, before visits, after
33 visits, and upon the suspicion of contraband, as well as any other event
34 that triggers the use of such equipment, and the average, median, and
35 highest number of times the equipment was used on any [~~incarcerated~~]
36 individual detained in, committed to, working in, or visiting the facil-
37 ity, with corresponding exposure levels; and

38 § 3. This act shall take effect on the same date and in the same
39 manner as section 1 of part LL of chapter 56 of the laws of 2023 takes
40 effect; provided however, that the amendments to subdivision 6 of
41 section 3502 of the public health law made by sections one and two of
42 this act shall not affect the repeal of such subdivision and shall be
43 deemed repealed therewith. Effective immediately, the addition, amend-
44 ment and/or repeal of any rule or regulation necessary for the implemen-
45 tation of this act on its effective date are authorized to be made and
46 completed on or before such effective date.